



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

April 14, 2023

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated March 14, 2023 (ECF No. 180).

Since the last report, the undersigned has unfortunately been delayed in obtaining final approvals of the revised counter-offer concept to which the previous status report referred, for which counsel apologizes; the undersigned has recently had an accident and has subsequently been attending to intervening docket demands. Counsel have conferred about internal goals for moving these discussions forward. Based on these circumstances, and on the upcoming availability of both lead counsel to confer regarding the outstanding issues, the parties respectfully and jointly ask the Court’s leave to submit a further status report by June 5, 2023, by which time the parties anticipate being able to report further progress. We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

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